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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

CODE OF FAIR COMPETITION SERIES—CODE No. 9

CODE OF FAIR COMPETITION
FOR THE
WINE INDUSTRY

(Exclusive of provisions relating to hours of labor, rates of pay
and other conditions of employment)

Approved by the President of the United States
December 27, 1933

1. Executive Order
2. Letter of Transmittal (Secretary of Agriculture)
3. Code



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

EXECUTIVE ORDER

APPROVAL OF CODE OF FAIR COMPETITION FOR THE WINE INDUSTRY

Whereas, the Secretary of Agriculture having submitted for my approval a Code of Fair Competition for the Wine Industry and having rendered his report and recommendations and findings thereon:

Now, therefore, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby find that:

1. An application has been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Wine Industry; and,

2. Due notice and opportunity for hearings to interested parties have been given pursuant to the provisions of the Act and regulations thereunder; and,

3. Hearings have been held upon said Code, pursuant to such notice and pursuant to the pertinent provisions of the Act and regulations thereunder; and,

4. Said Code of Fair Competition constitutes a Code of Fair Competition, as contemplated by the Act and complies in all respects with the pertinent provisions of the Act, including clauses (1) and (2) of subsection (a) of Section 3 of Title I of the Act; and,

5. It appears, after due consideration, that said Code of Fair Competition will tend to effectuate the policy of Congress as declared in Section 1 of Title I of the Act.

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby approve said Code of Fair Competition for the Wine Industry.



President of the United States.

THE WHITE HOUSE,
December 27, 1933.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

LETTER OF TRANSMITTAL

DECEMBER 27, 1933.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I have the honor to submit the following:

1. There is transmitted herewith a Code of Fair Competition for the Wine Industry, which I recommend for your approval. The Code, because of the emergency requiring its immediate consideration by you, does not contain labor provisions, other than the mandatory labor provisions of Section 7 (a) of the National Industrial Recovery Act. Additional labor provisions covering hours of labor, rates of pay, and other conditions of employment, not yet finally completed for your consideration, will be submitted later by the National Recovery Administrator. There accompanies the Code the report of the Administrator of the Agricultural Adjustment Act, and a true, correct, and complete stenographic report of all the evidence introduced at a public hearing on said Code, held pursuant to Section 3 (d), Title I, of the National Industrial Recovery Act.

2. By virtue of Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order No. 6207, of July 21, 1933, and Executive Order No. 6345, of October 20, 1933, which, pursuant to Title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Congress) delegated to me, as Secretary of Agriculture, certain of the powers vested in the President of the United States by the aforesaid Act, and after considering the aforesaid Code of Fair Competition and a true, correct, and complete stenographic report of all the evidence introduced at such public hearing, and being fully advised in the premises, I make the following findings:

(a) That an application has been duly made by the Wine Producers Association pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the President, of the Code of Fair Competition for the Wine Industry. Said Association is truly representative of the industry, and no inequitable restrictions are imposed on membership in the Society. The Code Authority provided for in the Code will be established by the members of the Industry, and the Code provides that the Code Authority shall be truly representative of the Industry.

(b) That the Wine Industry, covered by such Code, is included within the trades, industries, or subdivisions thereof enumerated in Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933.

(c) That the provisions of the Code establishing standards of fair competition (1) are regulations of interstate and foreign commerce and (2) are reasonable.

(d) That the Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will not permit monopolies or monopolistic practices.

(e) That the Code will not prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof nor prevent anyone from marketing or trading the produce of his farm.

(f) That due notice and opportunity for hearing, in connection with the aforesaid Code, has been afforded interested parties, in accordance with Title I of the National Industrial Recovery Act and applicable regulations issued thereunder.

(g) That said Code will tend to effectuate the declared policy of Title I of the National Industrial Recovery Act as set forth in Section 1 of said Act in that the terms and provisions of such Code tend: (1) to remove obstructions to the free flow of foreign commerce, which tend to diminish the amount thereof; (2) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; (3) to eliminate unfair competitive practices; (4) to promote the fullest possible utilization of the present productive capacity of industries; (5) to avoid undue restriction of production (except as may be temporarily required); (6) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (7) otherwise to rehabilitate industry.

(h) That said Code, when approved by the President, will constitute a Code of Fair Competition for the Wine Industry within the meaning of Section 3 (a) of Title I of the National Industrial Recovery Act.

Respectfully,

H. Wallace
Secretary of Agriculture.

CODE OF FAIR COMPETITION FOR THE WINE INDUSTRY

EXCLUSIVE OF PROVISIONS RELATING TO HOURS OF LABOR, RATES OF PAY, AND OTHER CONDITIONS OF EMPLOYMENT

ARTICLE I

PURPOSES

Whereas, it is the declared policy of Congress as set forth in Section 1 of Title I of the National Industrial Recovery Act:

To remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources—

And—

Whereas, Congress has not had opportunity to legislate on liquor control following the repeal of the Eighteenth Amendment, and

Whereas, the Twenty-first Amendment provides in part as follows:

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

And—

Whereas, it is in the best interests of the public that all industries engaged in the production or distribution of alcoholic beverages shall limit their activities to their reasonable and immediate requirements until such time as Congress may consider appropriate legislation relating to such industries—

Now therefore, to effectuate the foregoing policies the following provisions are established as a Code of Fair Competition for the wine industry (exclusive of provisions relating to hours of labor, rates of pay and other conditions of employment), and upon approval by the President shall constitute standards of fair competition for such industry and shall be binding upon every member of such industry in the United States; and neither the approval of this Code nor any action taken thereunder by the Federal Alcohol Control Administration, the Code Authority, or by any member of the wine industry shall be construed as giving any member of such industry a vested right to continue to participate in the production or distribution of wine in the United States.

ARTICLE II

DEFINITIONS

SECTION 1. As used in this Code—

(a) The term "President" means the President of the United States.

(b) The term "Act" means Title I of the National Industrial Recovery Act, approved June 16, 1933.

(c) The term "person" means individual, partnership, corporation, association and any other business unit.

(d) The terms "wine industry" and "industry" means (1) the production of wine, or (2) the crushing of fresh grapes, or the making of must or grape concentrate to be used for the production of wine, or (3) the fortification of wine, or (4) the distillation of brandy for fortification of wine and not for sale except to another member of the industry for purposes of fortification, or (5) the blending, bottling, warehousing, or other handling or distribution of wine, or the sale or other disposition thereof except at retail, by a vintner or an affiliate or subsidiary thereof. The terms "wine industry" and "industry" shall not be construed to include the performance of any of the above functions or operations for noncommercial purposes.

(e) The term "wine" means wine as defined in Title 26, section 441 and 444 of the Code of the Laws of the United States, as now in force or hereafter amended, and champagne, sparkling wine and artificially carbonated wine, all the foregoing as defined by regulations of the Treasury Department as now or hereafter in effect.

(f) The term "employee" means any person engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

(g) The term "employer" means any person by whom any such employee is compensated or employed.

(h) The term "member of the industry" means any person engaged in the wine industry as an employer or on his own behalf.

(i) The term "Administration" means the Federal Alcohol Control Administration.

(j) The term "Director" means the director of the Federal Alcohol Control Administration.

(k) The term "Code Authority" means the industry authority established pursuant to this Code.

(l) The term "United States" includes the several States and Territories, the District of Columbia, and Puerto Rico.

(m) The term "State" includes Territory and the District of Columbia.

(n) The term "books and records" means any books, records, accounts, contracts, documents, memoranda, papers, correspondence or other written data pertaining to the business of the person in question.

(o) The term "subsidiary" means any person, of or over whom a member of the industry has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

(p) The term "affiliate" means any person who has, either directly or indirectly, actual or legal control of or over a member of the industry, whether by stock ownership or in any other manner, or a subsidiary thereof.

(q) The term "trade buyer" means any buyer of wine, except an ultimate consumer.

ARTICLE III

MANDATORY LABOR PROVISIONS

SECTION 1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or other mutual aid or protection.

SEC. 2. No employee and no one seeking employment shall be required as a condition of employment, to join any company union or refrain from joining, organizing, or assisting a labor organization of his own choosing.

SEC. 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

ARTICLE IV

PERMITS

SECTION 1. After such date as the Administration may determine, no person shall engage in the wine industry except pursuant to a permit issued by the Director. Subject to the provisions of section 2 of this Article, each member of the industry shall be entitled to have a permit issued to him upon application therefor, and such permit shall remain in effect during the duration of this Code, unless suspended or revoked as hereinafter provided. Such permit shall be conditioned on the observance by the permittee of the provisions of this Code (other than the provisions of Article III) and regulations issued thereunder. Such permit shall not be taken or held to create in any permittee any vested right as to any standard of profits or volume of business; or any right to engage in the manufacture or distribution of wine after the termination of the permit.

SEC. 2. Any such permit may, after due notice and opportunity for hearing, be suspended or revoked by the Director, with the approval of the Administration, for violation of any term or condition thereof.

SEC. 3. Nothing in this Article shall be construed to limit or modify any procedure or remedy which may be available for the enforcement of the provisions of this Code.

ARTICLE V

UNFAIR METHODS OF COMPETITION

The following practices constitute unfair methods of competition and shall not be engaged in by any member of the industry:

SECTION 1. *False Advertising*.—To publish or disseminate in any manner any false advertisement of any wine. An advertisement shall be deemed to be false if it is untrue in any particular, or if directly or by ambiguity, omission, or inference, it tends to create a misleading impression.

SEC. 2. *Misbranding*.—To sell or otherwise introduce into commerce any wine that is misbranded. Wine shall be deemed to be misbranded—

(a) *Food and Drugs Requirements*.—If it is misbranded within the meaning of the Food and Drugs Act.

(b) *Standards of Fill*.—If the container is so made, formed, or filled as to mislead the purchaser, or its contents fall below the standard of fill prescribed by regulations of the Administration.

(c) *Standards of Identity*.—If it purports to be or is represented as wine for which a definition of identity has been prescribed by regulations of the Administration and it fails to conform to the definition.

(d) *Standards of Quality*.—If it purports to be or is represented as wine for which standards of quality have been prescribed by regulations of the Administration, and (1) fails to state on the label, if so required by the regulations, the standard of quality in such terms as the regulations specify, or (2) falls below the standard stated on the label.

(e) *Label Requirements*.—If in package form and it fails to bear a label conforming to such requirements as the Administration may by regulation prescribe. Regulations for the purpose of this subsection shall be prescribed by the Administration, but only after due notice and opportunity for hearing to the members of the industry.

SEC. 3. *Commercial Bribery*.—To give or permit to be given money or anything of substantial value in an effort to induce agents, employees, or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase wine from the maker of such gift, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

SEC. 4. *Consignment*.—The making of or entering into any agreement or contract the effect of which will amount to the shipment or delivery of wine on consignment. "Consignment" as used herein means the delivery of products under an arrangement whereby the person receiving such products has the right at any time prior to sale to relinquish possession to or return them to the shipper and whereby the title to such products remains in the shipper.

SEC. 5. *Allowances and Rebates for Advertising and Distribution Service*.—To pay or make an allowance to a trade buyer for a special advertising or distribution service, (a) unless in pursuance of a written contract defining the service to be rendered and the payment therefor; and (b) unless such service is rendered and the payment is reasonable and not excessive in amount; and (c) unless such contract is separate and distinct from any sales contract and such payment is separate and distinct from any sales price and is not designed or used to reduce a sales price; and (d) unless such payment is equally available for the same service to all competitive trade buyers in the same class in the same trade area; and (e) unless a copy of

each such contract is filed with the Code Authority. This section shall not apply to any contract made prior to the effective date of this Code.

SEC. 6. *Control of Retail Outlets.*—

(a) *Retail Licenses.*—To hold ownership, directly or indirectly, after the expiration of existing licenses, of any interest in any license to sell wine for consumption on the premises covered by such licenses. Nothing herein contained shall apply to licenses issued to members of the industry to give away or sell wine on premises of which the winery is a part.

(b) *Loans and Guarantees.*—To furnish, give or lend any money or other thing of value, directly or indirectly, or through a subsidiary or affiliate or by any officer, director or firm member of the industry, to any person engaged in selling wine for consumption on the premises where sold, or to any person for the use, benefit or relief of said person engaged in selling as above; or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. Nothing herein contained shall affect the extension of usual and ordinary commercial credit for wine sold and delivered.

(c) *Equipment and Fixtures.*—To furnish, give, rent, lend, or sell any equipment, fixtures, or supplies, directly or indirectly, or through a subsidiary or affiliate, or by any officer, director or firm member of the industry, to any person engaged in selling wine for consumption on the premises where sold.

(d) *Signs.*—(1) To furnish, give, lend or rent any interior decoration other than signs, or to furnish, give, lend or rent any sign or signs, for inside or outside use, costing collectively more than \$100 in any calendar year by any member of the industry, directly or indirectly or through a subsidiary or affiliate, or by any officer, director, or firm member of any member of the industry, for use in or about or in connection with any one establishment on which wine is sold for consumption on the premises where sold.

(2) To pay money or other thing of value for the privilege of placing or painting a sign on the premises occupied by any one selling wine for consumption on the premises where sold.

(e) *Ownership of Real Estate.*—To hold any interest in any premises acquired after the effective date of this Code on which products are sold at retail for consumption on the premises where sold, unless the holding of such interest is permitted under regulations of the Administration, or a statement of the holding thereof has been filed with the Administration and has not been disapproved by it.

SEC. 7. *Guarantees Against Decline.*—To make or give to any trade buyer any guarantee or allowance in any form against or as a result of decline in the sellers price.

SEC. 8. *Exclusive Outlets.*—To exact or require, by contract, understanding or otherwise, that any retail trade buyer, selling wine for consumption on the premises where sold, handle or sell only the wine of a particular member of the industry.

SEC. 9. *Prizes and Premiums.*—To offer any prize, premium, gift or other similar inducement, except advertising novelties of nominal value, to either trade or consumer buyers.

SEC. 10. *Sales to Unauthorized Vendors.*—After notification by the Code Authority, to sell or otherwise dispose of wine to any person who has been declared by the Code Authority to be not authorized by license in full force and effect, to sell, manufacture or distribute such wine, if such a license is required of such person by State law.

SEC. 11. *Violations of State Law.*—To transport or import wine into any State or political subdivision thereof for delivery, sale, or use there in violation of the law of such State.

ARTICLE VI

PRICES AND TERMS OF SALE

SECTION 1. Each member of the industry shall keep posted with the Code Authority, in accordance with regulations prescribed by it and approved by the Administration, and upon request make available to trade and consumer buyers a price list which shall set forth (a) all the brands and types of wine offered for sale by such member, (b) the sale price thereof to various classes of trade buyers, and (c) all discounts and other terms of sale (other than usual periods of credit) of such wine. The Code Authority, subject to the approval of the Administration, may exempt from the provisions of this section, products of the industry if (a) the trade practices surrounding their sale and distribution are such that such products cannot be sold and distributed freely and economically under a system of posted prices as outlined herein, and (b) if it can be shown that the exemption of such products would not interfere with the effectuation of the purposes of this Code.

SEC. 2. The Code Authority shall file with the Administration a copy of each price list so posted and the Code Authority shall, upon request, make available such price lists to the trade and consumer buyers.

SEC. 3. No sale or other disposition of any wine shall be made by any member of the industry except in accordance with its prices and terms so posted and in effect, if prices and terms with respect to such wines are required under this section to be posted.

SEC. 4. No member of the industry shall sell products of the industry upon prices or terms, or post or keep posted any price or term which (a) will constitute destructive price cutting, or (b) be so high as to encourage directly or indirectly the sale of wine in violation of law, or (c) be oppressive to the consumer. A posted price or term shall not be held to be in violation of this section unless it is kept posted after it has been declared ineffective by the Code Authority or the Administration, as hereinafter in this Article provided.

SEC. 5. If, after investigation, the Code Authority finds that any price or term posted under this Article is not in conformity with the requirements of section 4, it shall, with the approval of the Administration, declare such price or term ineffective.

SEC. 6. If the Administration is of the opinion that prices or terms posted for any brand or type of wine are contrary to the requirements of section 4, it may report such fact to the Code Authority.

If the Code Authority does not within 10 days take action acceptable to the Administration, the Administration may then declare such prices or terms ineffective, if it finds that they are not in conformity with the requirements of section 4.

SEC. 7. If, after investigation, the Code Authority finds that the sale of products of the industry exempted under the provisions of section 1 are not in conformity with the requirements as to prices and terms as set forth in section 4, it may, after notification to the member of the industry to discontinue such sale, report such findings to the Administration.

SEC. 8. If the Administration is of the opinion that the sale by any member of the industry of products exempted under the provisions of section 1 are not in conformity with the requirements as to prices and terms as set forth in section 4, it may report such findings to the Code Authority, and after ten days the Administration may declare such exemption of the products null and void and require a posting of prices and terms for such products by members of the industry, and thereafter take such action as it is empowered to take under section 6.

SEC. 9. The payment by any member of the industry of allowances or rebates, refunds, concessions, or discounts, whether in the form of money or otherwise, not conforming with the prices and terms of sale as disclosed in the posted price list, is prohibited.

SEC. 10. The posting or publishing of any false or fictitious price list or the use of invoices which falsely indicate prices, discounts, or terms of any sale, or the inserting in any invoice of statements which make the invoice a false record, wholly or in part, of the transactions represented on the face thereof, or the withholding from any invoice of statements which properly should be included therein, so that in the absence of such statements, the invoice does not truly reflect the transaction involved, is prohibited.

ARTICLE VII

CONTROL OF PLANT CAPACITY AND PRODUCTION

SECTION 1. If the Administration finds, after due notice and opportunity for hearing, that the present or potential production of wine is larger than the probable demand therefor, so as to tend to produce an excessive accumulation of stocks, excessive competition for sales, or other detrimental marketing conditions in the industry, and thereby tends to prevent the effectuation of the declared policy of the Act or the purposes of this Code, the Administration, after consultation with the Code Authority, may limit the production and distribution of wine and allocate the production thereof among the members of the industry, and may provide for the orderly distribution of accumulated stocks. If the Administration finds, after due notice and opportunity for hearing, that the current supply of any class or type of wine, is or is likely to be, inadequate to meet the consumptive demands, it may authorize and, in consultation with the Code Authority, allocate additional production.

ARTICLE VIII

REPORTS

SECTION 1. The members of the industry shall severally, from time to time, upon the request of the Administration (or the National Recovery Administrator in case of information relative to hours of labor, rates of pay, or other conditions of employment) furnish such information, on and in accordance with forms of reports to be supplied, as may be deemed necessary for the purposes of (a) assisting in the furtherance of the powers and duties of the Administration or the National Recovery Administrator with respect to this Code, of (b) enabling the Administration or the National Recovery Administrator to ascertain and determine the extent to which the declared policy of the Act and the purposes of this Code will be effectuated, such reports to be verified under oath.

SEC. 2. The members of the industry shall severally permit, for the same purposes or to enable the Administration or the National Recovery Administrator to verify the information furnished on said forms of reports, all their books and records and the books and records of their affiliates and subsidiaries, to be examined by the Administration or the National Recovery Administrator during the usual hours of business.

SEC. 3. Each member of the industry shall severally keep books and records which will clearly reflect all financial transactions of his business and the financial condition thereof, and such other matters relating to the business of the member as the Administration may by regulation prescribe, and shall require their respective subsidiaries and affiliates to keep such records.

SEC. 4. All information furnished the Administration pursuant to this Article shall remain confidential in accordance with the applicable regulations prescribed by the Administration.

ARTICLE IX

CODE AUTHORITY

SECTION 1. There shall be a Code Authority composed of 7 members as follows: 3 to be selected by the Western Code Committee, 2 by the Eastern Code Committee, and 2 (who shall not be members of the industry) by the Administration. The members of the Code Authority, selected by the respective Committees, shall be subject to the approval of the Administration. All members of the Code Authority shall be subject to removal in the discretion of the Administration. The powers and duties of the Code Authority shall be as follows:

(a) To administer the provisions of this Code (except as otherwise provided) subject to the approval of the Administration; and to foster and promote the observance of this Code by members of the industry.

(b) To prescribe rules for the performance of its functions subject to the approval of the Administration.

(c) To recommend to the Administration amendments to this Code.

(*d*) To cooperate with and assist the Administration, as the Administration may from time to time request, in carrying out its functions under this Code.

(*e*) To make reports to the Administration from time to time on problems relating to the industry affecting the administration of this Code.

(*f*) To receive and investigate charges of apparent violations of this Code and to report to the Administration its findings of fact on such charges. This paragraph shall not be construed to derogate from or limit the powers of the Administration to investigate apparent violations of this Code and to take such action in the premises as it deems desirable.

SEC. 2. There shall be a Western Code Committee and an Eastern Code Committee selected by members of the industry who crush for wine grapes produced west and east of the Rocky Mountains, respectively. The members of each such Committee shall be selected by such members of the industry in accordance with a plan proposed by them and approved by the Administration. If either the western or eastern members of the industry fail to submit a plan within 5 days after the effective date of this Code, then the respective Committee shall be selected in accordance with a plan prescribed by the Administration.

SEC. 3. The Western Code Committee and the Eastern Code Committee shall each have delegated to them such of the powers and duties vested in or imposed upon the Code Authority by the provisions of this Code as shall be provided in plans submitted by the respective Committees and approved by the Administration. Such plans shall provide, so far as practicable, for the administration of this Code with respect to Western and Eastern members of the industry by the Western and Eastern Code Committees, respectively.

SEC. 4. The expenses of the Western and Eastern Code Committees, and of their representatives upon the Code Authority shall be borne by the western and eastern members of the industry, in accordance with plans submitted by the respective Code Committees and approved by the Administration. The traveling expenses of the members of the Code Authority selected by the Administration shall be borne equally by the Western and Eastern Code Committees, in such manner as the Administration may direct.

SEC. 5. Any member of the Code Authority may by designation in writing appoint a proxy to attend meetings of the Code Authority to act for and on behalf of the member of the Code Authority. A vote cast by a proxy so designated shall have the same force and effect as a vote cast by the member of the Code Authority. No meeting of the Code Authority shall be held unless fifteen (15) days notice thereof has been given to all members of the Code Authority, provided, however, that the members of the Code Authority may waive in writing such notice.

ARTICLE X

FEDERAL ALCOHOL CONTROL ADMINISTRATION

SECTION 1. The Federal Alcohol Control Administration shall prescribe such regulations as may be provided for in this Code, or as

may be reasonably necessary to carry out the provisions of this Code it is authorized to administer; and may make such interpretations of such provisions and such regulations as it deems necessary. Such regulations shall have the same force and effect as the provisions of this Code.

SEC. 2. The Administration may investigate any apparent violation of the provisions of this Code and may take such action in the premises as it deems necessary.

ARTICLE XI

DURATION OF IMMUNITIES

SECTION 1. The benefits, privileges and immunities conferred by this Code shall cease upon its termination except with respect to acts done prior thereto.

ARTICLE XII

AGENTS

SECTION 1. The Administration and the National Recovery Administrator may by designation in writing name any person, including any officer or employee of the Government, to act as agent in connection with their respective powers and duties under this Code.

ARTICLE XIII

MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule or regulation, issued under the Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

ARTICLE XIV

APPLICATION OF CODE TO OTHER INDUSTRIES

SECTION 1. If any member of the industry is also engaged in any other industry or trade, the provisions of this Code shall apply to and affect only that part of the business of such member of the industry which is included in the wine industry.

ARTICLE XV

EFFECTIVE DATE

SECTION 1. This Code shall be effective the day following its approval by the President of the United States.